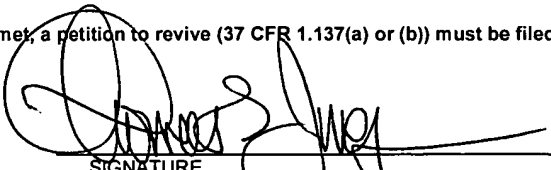


TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 8024-005 US U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/520863
INTERNATIONAL APPLICATION NO. PCT/US2003/021977	INTERNATIONAL FILING DATE 15 July 2003	PRIORITY DATE CLAIMED 29 July 2002
TITLE OF INVENTION TIACUMICIN PRODUCTION		
APPLICANT(S) FOR DO/EO/US OPTIMER PHARMACEUTICALS, INC.		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371. 3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input checked="" type="checkbox"/> The US has been elected (Article 31). 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). Items 11 to 20 below concern document(s) or information included: 11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input type="checkbox"/> A preliminary amendment. 14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 15. <input type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A power of attorney and/or change of address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825. 18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). 20. <input type="checkbox"/> Other items or information:		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 07520863		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER	
21. The following fees are submitted:				Applicant use	Office use only
<input type="checkbox"/> a) Basic national fee..... \$300.00				\$ 300 -	
<input type="checkbox"/> b) Examination fee..... \$200.00				\$ 200 -	
<input type="checkbox"/> c) Search fee..... \$500.00				\$ 500 -	
TOTAL OF ABOVE CALCULATIONS = \$1000.00				\$ 1,000	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250.00	\$ —	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$ —	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	27 - 20 =	7	x \$50.00	\$ 350	
Independent claims	4 - 3 =	1	x \$200.00	\$ 200	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00	\$	
TOTAL OF ABOVE CALCULATIONS =				\$ 1,550	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	
SUBTOTAL =				\$ 775 -	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$ —	
TOTAL NATIONAL FEE =				\$ 775 -	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	
TOTAL FEES ENCLOSED =				\$	
Amount to be refunded:					\$
Amount to be charged					\$
<p>a. <input checked="" type="checkbox"/> A check in the amount of \$ <u>775 -</u> to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>502235</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>					
<p>NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.</p> <p>SEND ALL CORRESPONDENCE TO:</p> <div style="text-align: right; margin-top: 20px;">  SIGNATURE <u>THOMAS E. JORGENSEN</u> NAME <u>34,195</u> REGISTRATION NUMBER </div>					

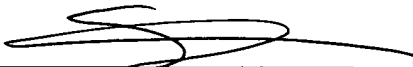
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DT12 Rec'd PCT/PTO 11 JAN 2005

January 11, 2005

Certificate of Express Mail Mailing

Under 37 CFR 1.10 I certify that this correspondence is being deposited with the United States Postal Service as Express Mail No. EV 383801597 US in an envelope addressed to: Commissioner of Patents, Mail Stop: PCT, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below:


Shar Dirkovich

January 11, 2005
Date of Deposit

Mail Stop: **PCT**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Tiacumicin Production
International Application No.: PCT/US03/21977
Our Docket No.: 8024-005-US

Dear Sir or Madam:

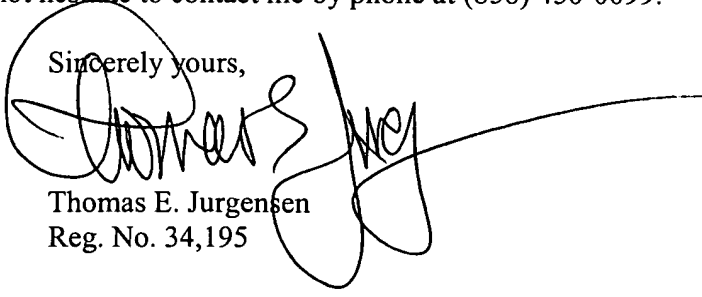
Please find enclosed a copy of the following documents for filing with the United States Patent and Trademark Office:

1. Transmittal Letter to the United States Receiving Office (PTO-1390);
2. Specification (17 pages);
3. Claims (4 pages);
4. Abstract (1 page);
5. Check in the amount of \$775.00; and
6. Self-addressed, stamped postcard.

The PCT Receiving Office is authorized to charge the balance of fees to Deposit Account No. 502235.

The self-addressed, stamped postcard has been included for your convenience. After confirming receipt of these documents please return the postcard to us at your earliest convenience. Should you have any questions, please do not hesitate to contact me by phone at (858) 450-0099.

Sincerely yours,


Thomas E. Jurgensen
Reg. No. 34,195